

Dear Carl:

I don't think we ever have encountered so much difficulty over such a minor bill, and had so many falsehoods told us from people in the military as we have over this military jurisdiction bill.

No less than two or three times we have reached complete agreement with one group or branch of the service, only to have someone somewhere else change the story, and every time we can trace it back to Fort Huachuca, and the handful of folks in the Bisbee-Douglas area who have enjoyed invitational hunting privileges with the military brass on Fort Huachuca--a game refuge where hunting has been prohibited by law since 1917.

Now it is the airforce.

In his telegram to the governor, this Mr. John M. Ferry says "The securing of exclusive federal jurisdiction is a pre-requisite to the designation of a military reservation as a permanent air force installation."

Arizona has never granted exclusive federal jurisdiction yet, but we have two permanent bases at Davis-Monthan and Williams AFB, and I am not sure about Luke. Jurisdiction now is exclusive state.

California, with concurrent jurisdiction "and a list of reservations, including the right to tax, as long as your arm" in the words of the Sixth Army lawyer, has permanent installations. So do a lot of other states.

So why do they put out such statements. That statement has blocked passage of our concurrent jurisdiction bill, which passed the state senate unanimously despite a last-minute effort to kill it even after you sent me the letter from Colonel Smith.

Ferry says portions of Davis-Monthan and Luke are exclusive federal jurisdiction. That is not what the lawyer, Col. J. Otis Brown, from San Francisco told us. He said only two small, isolated spots, the old Buckeye Rifle Range, and another near Florence, were under exclusive federal, and that was because they were established before statehood.

Under exclusive federal jurisdiction, which we had on Fort Huachuca before it was abandoned in the opinion of some, it is real easy for the military brass to set up their private hunting preserve. Arizona sportsmen will not stand for that, particularly because the army branches now have between 3 and 4 million acres of Arizona and are taking more all the time. Because we have so much public domain, it is possible for them to take millions of acres without so much as a thank you.

I am putting this down on paper in the hope it will help you explain the situation to the officials back there. Our situation is just a little different than many states. As far as an airfield itself is concerned--a couple of square miles--we are not concerned about that. What we are dealing with is millions of acres.

The cattlemen who have been involved in this are just as concerned as we are, and so are farmers whose canal easements might be affected.

Carl, I have worked hard on this to try to get it settled and keep down trouble, but I cannot prevent trouble if this bill is killed. As you know some of our people can get a little hot-headed and they are hot headed about this right now. They are not businessmen out for another dollar, and a good many of them feel we've got too darn many people in Arizona right now in view of the fact that we are using about five times as much water as we have to use.

This legislative session will not end before next Wednesday. We have almost got to get a telegram from the air force correcting this situation to get this bill out of the house rules committee, although I believe we have enough votes on the floor to pass it without such a telegram.

If the airforce insists on exclusive jurisdiction, it cannot possibly be obtained at this session, and I do not believe it can be obtained at any future session.

As you know, before the change in jurisdiction IS CONSUMMATED the federal government must right a letter from the attorney general of the United States accepting jurisdiction. If the airforce wants to wait, all it has to do is to get the attorney general not to accept jurisdiction over any lands it feels exclusive jurisdiction should be had on, and we can then try to work it out.

Thanks a million for your past efforts on this, and if you can help us clear this last hurdle I think we will have the job done. I am sending you a copy of SubSB 45 as it passed the senate with all reservations amended out, and Lee Hover is sending a copy of this letter to Barry Goldwater.

Sincerely,

Ben Avery
Ben Avery

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